

FORTY-NINTH DAY
(Monday, April 22, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Walter J. Kruse, Fairview Baptist Church, Austin, offered the invocation as follows:

O God, our Father, the whole earth is full of Your glory. We acknowledge Your greatness. We magnify Your name. We realize Your goodness. We praise You for Your mercy and Your love. Give unto us the consciousness that You are beside us all through this day.

We come to You, conscious that we need forgiveness, conscious that we need redemption, conscious in our minds and hearts that we have sinned and come short of the glory of God. That none is righteous, for all have sinned. And that the payoff for sin is death. We confess to You with shame our sin. It has been manifest in many things, yes, in almost all things in our life. Our intents and actions have been tainted with selfishness and motives that will not bear the test of the purity of our God. We come to You because You alone can forgive. You demonstrated Your willingness to forgive our sins and trespasses when Christ died at Calvary and took upon himself all our sins. Even while we were without strength and in sin, Christ died for us. By Your arrangement of the cross and sacrifice, we now by faith in Christ are permitted to approach You for forgiveness and a full pardon. It is this pardon through Jesus Christ that gives us eternal life and gladness in this present world. We accept Christ as our Saviour and Lord so that Your promise will be fulfilled in us.

We give You thanks for all Your mercies and Your grace. We thank You for life with all its blessings. We thank You for strength with all its joys. We thank You for our homes and families which are the backbone of our great State. We thank You for the State Senate of Texas which You have ordained in Your great wisdom to govern its people. The very nature of our State government is such that it affects every phase of community life. And there is no group which is closer to the heart of civic and community life than our elected State officials. Therefore, it is with gratitude that we thank You for our State Senators and all our State officials. We thank You for their dedication and commitment to a just and fair government for all the people. We ask You to grant unto us at this time the spirit of gratitude, so that we may in truth express to You, in thought and in prayer, the joy of thankful hearts. Extend our gratitude to our work so that thanksgiving may permeate our acts, making them ring true.

We come to You with our requests. There are many. We need many things individually and collectively. Many of these dedicated Senators and officials have personal needs. We do not know the nature of these needs, but You are their God and You said in Your word that they could cast their cares upon You, because You care for them. Therefore, we ask that You grant to them your blessings and healing by the anointing of Your Holy Spirit upon their hurts, sorrows, and pains. Grant them wisdom to conduct the affairs of this great State. As they work at the task of their jobs, make them diligent, ever showing themselves to be workmen who have

no need to be ashamed. Grant unto us the gifts that shall enable us to be better and to do better in this world.

Bless these Senators of Texas in their high position and grant Your blessing especially upon this wonderful State in which we live. Hear and bless us for we ask it in the name of our Lord Jesus Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 18, 1991, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 1436

On motion of Senator Bivins and by unanimous consent, Senator Sibley will be shown as Co-author of S.B. 1436.

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1530	S.B. 1535
S.B. 1531	S.B. 1536
S.B. 1532	S.B. 1537
S.B. 1533	S.B. 1538
S.B. 1534	S.B. 1539

The motion prevailed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
April 22, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1604, Relating to the regulation of air quality; providing penalties.

H.B. 922, Relating to the commercial use of information identifying a person who has been involved in a motor vehicle accident.

H.B. 1431, Relating to the jurisdiction of the justice and small claims courts.

H.B. 1882, Relating to the authority of the Board of Directors of the Angleton-Danbury Hospital District to contract for management and consulting services.

H.B. 1207, Relating to a conservation permit requirement to utilize for consumptive or non-consumptive purposes land under the control of the department.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Dickson submitted the following report for the Committee on Economic Development:

C.S.S.B. 544

Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 153
H.B. 721
S.B. 769
C.S.S.B. 179
C.S.S.B. 1477
C.S.S.B. 368
C.S.S.B. 1262
C.S.S.B. 662
C.S.S.B. 1267
C.S.S.B. 1233
C.S.H.B. 550

Senator Montford submitted the following report for the Committee on Finance:

H.B. 982
S.B. 1137
S.B. 561
S.B. 924
S.B. 1101
C.S.S.B. 546
C.S.S.B. 622
C.S.S.B. 486

Senator Sims submitted the following report for the Committee on Natural Resources:

C.S.S.B. 726
C.S.S.B. 909

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 58, To Committee on Jurisprudence.
H.B. 166, To Committee on State Affairs.
H.B. 173, To Committee on State Affairs.
H.B. 177, To Committee on Jurisprudence.
H.B. 195, To Committee on Natural Resources.
H.B. 264, To Committee on Jurisprudence.
H.B. 286, To Committee on Criminal Justice.
H.B. 330, To Committee on Jurisprudence.
H.B. 433, To Committee on Criminal Justice.
H.B. 509, To Committee on State Affairs,
Subcommittee on Elections and Ethics.
H.B. 514, To Committee on Intergovernmental Relations.
H.B. 591, To Committee on Intergovernmental Relations.
H.B. 816, To Committee on Economic Development.

H.B. 844, To Committee on Jurisprudence.
H.B. 889, To Committee on Jurisprudence.
H.B. 891, To Committee on Education.
H.B. 916, To Committee on Finance.
H.B. 948, To Committee on State Affairs.
H.B. 1107, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1135, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1166, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1192, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1234, To Committee on Economic Development,
Subcommittee on Insurance.
H.B. 1246, To Committee on Economic Development,
Subcommittee on Insurance.
H.B. 1374, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1392, To Committee on Economic Development.
H.B. 1432, To Committee on Education.
H.B. 1444, To Committee on Natural Resources.
H.B. 1528, To Committee on State Affairs.
H.B. 1552, To Committee on Natural Resources,
Subcommittee on Water.
H.B. 1679, To Committee on Education.
H.B. 1769, To Committee on State Affairs.
H.B. 1772, To Committee on Natural Resources.
H.B. 1774, To Committee on Natural Resources.
H.B. 1779, To Committee on Intergovernmental Relations.
H.B. 1897, To Committee on Intergovernmental Relations.
H.B. 1941, To Committee on Economic Development.
H.B. 1966, To Committee on Natural Resources.
H.B. 2022, To Committee on Intergovernmental Relations.
H.B. 2063, To Committee on Intergovernmental Relations.
H.B. 2119, To Committee on Intergovernmental Relations,
Subcommittee on Urban Affairs.
H.B. 2183, To Committee on Economic Development.
H.B. 2542, To Committee on Economic Development.
H.B. 2555, To Committee on Jurisprudence.
H.B. 2674, To Committee on Jurisprudence.
H.B. 2772, To Committee on Jurisprudence.

CAPITOL PHYSICIAN

Senator Dickson was recognized and presented Dr. Ralph Bailey of Gatesville.

Dr. Bailey, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

GUEST PRESENTED

The President recognized the presence of United States Congressman Bill Sarpalius, former Member of the Texas Senate.

The Senate welcomed Congressman Sarpalius.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 39
S.C.R. 62
S.C.R. 95
S.C.R. 96
S.C.R. 97
S.B. 529
S.B. 653

SENATE CONCURRENT RESOLUTION 104

Senator Carriker offered the following resolution:

S.C.R. 104, Honoring the Civil Air Patrol on its 50th anniversary.

The resolution was read.

On motion of Senator Carriker and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Carriker introduced the following members of the Civil Air Patrol from around the State: Colonel Hal Parker, Texas Wing Commander; First Lieutenant Catherine Peebles, Texas Wing Public Affairs Officer; Major Norm King, Houston Group 13 Commander; and Lieutenant Colonel Fred Ayuob, U.S. Air Force Liaison Officer.

The Senate welcomed these guests.

(Senator Brooks in Chair)

SENATE BILL 1206 REREFERRED

On motion of Senator Barrientos and by unanimous consent, **S.B. 1206** was withdrawn from the Committee on Finance and rereferred to the Committee on Education.

(President in Chair)

NOMINATION RETURNED TO GOVERNOR

On motion of Senator Barrientos and by unanimous consent, the appointment of Dr. Louis E. Deere, to be a Member of the Texas Board of Mental Health and Mental Retardation, was returned to the Governor as requested.

THE SENATE OF THE STATE OF TEXAS

BETTY KING

SECRETARY OF THE SENATE

April 22, 1991

The Honorable Ann W. Richards
Governor of Texas
State Capitol
Austin, Texas 78701

Dear Governor Richards:

During today's session, the Senate granted your request to return the appointment

of Dr. Louis E. Deere of Dallas to be a member of the Texas Board of Mental Health and Mental Retardation for a term to expire January 31, 1991.

Respectfully,

Betty King
Secretary of the Senate

**COMMITTEE SUBSTITUTE
SENATE BILL 1094 ON SECOND READING**

The Senate resumed consideration of C.S.S.B. 1094, the bill having been read second time and left pending with a motion to table Floor Amendment No. 11 on Thursday, April 18, 1991:

C.S.S.B. 1094, Relating to the creation, administration, powers, duties, and operation of the Coastal Conservation Commission and of coastal conservation districts and to the financing of districts; granting the authority to issue bonds; authorizing taxes.

Question—Shall Floor Amendment No. 11 be tabled?

(Senator Brown occupied the Chair during discussion on the amendment)

GUEST PRESENTED

The Presiding Officer (Senator Brown in Chair) acknowledged the presence of United States Congressman Chet Edwards, former Member of the Texas Senate.

The Senate welcomed Congressman Edwards.

(Senator Moncrief occupied the Chair during discussion on the amendment)

(Senator Harris of Tarrant in Chair)

(Senator Sibley in Chair)

(Senator Sims in Chair)

MESSAGE FROM THE HOUSE

House Chamber
April 22, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 188, Honoring the Civil Air Patrol on its 50th anniversary.

H.C.R. 133, Supporting the nomination of Chief Michael Courville for 6th vice-president of the International Association of Chiefs of Police.

H.C.R. 205, Recognizing April 22 as Earth Day.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Barrientos was recognized and introduced a group of students from The University of Texas, students from the Student Environmental Action

Coalition, Clean Water Action and a group of LBJ Science students who are here visiting the Capitol on "Earth Day."

The Senate welcomed these students.

Question—Shall Floor Amendment No. 11 be tabled?

(Senator Haley occupied the Chair during discussion on the amendment)

(Senator Armbrister in Chair)

MESSAGE FROM THE HOUSE

House Chamber
April 22, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 26, Proposing a constitutional amendment relating to investments made by the Veterans' Land Board of funds in the Veterans' Land Fund or the Veterans' Housing Assistance Fund.

H.B. 70, Relating to the dismissal of certain misdemeanor charges upon completion of a driving safety course.

H.B. 1185, Relating to the use of criminal asset forfeiture funds for drug abuse treatment and prevention programs.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall Floor Amendment No. 11 be tabled?

(Senator Brooks occupied the Chair during discussion on the amendment)

(Senator Moncrief in Chair)

(President in Chair)

SENATE BILL 987 RECOMMITTED

On motion of Senator Zaffirini and by unanimous consent, **S.B. 987** was recommitted to the Committee on Health and Human Services.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **S.B. 987** tomorrow.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 79** tomorrow.

SENATE BILL 1146 REREFERRED

On motion of Senator Parker and by unanimous consent, **S.B. 1146** was withdrawn from the Committee on Finance and rereferred to the Committee on Education.

**COMMITTEE SUBSTITUTE SENATE BILL 1094
ON SECOND READING**

The Senate resumed consideration of **C.S.S.B. 1094**.

Question—Shall Floor Amendment No. 11 be tabled?

On motion of Senator Lucio, the amendment was tabled by the following vote: Yeas 18, Nays 9.

Yeas: Armbrister, Bivins, Brooks, Brown, Glasgow, Haley, Krier, Leedom, Lucio, Montford, Parker, Ratliff, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Green, Harris of Tarrant, Johnson, Lyon, Moncrief, Rosson, Truan.

Absent: Carriker, Dickson, Harris of Dallas, Henderson.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Bivins, Brooks, Brown, Haley, Harris of Dallas, Krier, Leedom, Lucio, Montford, Parker, Ratliff, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Carriker, Dickson, Ellis, Glasgow, Green, Harris of Tarrant, Johnson, Lyon, Moncrief, Rosson, Truan.

Absent: Henderson.

MEMORIAL RESOLUTIONS

S.R. 570 - By Sims: In memory of William Lester Foster II of Sterling City.

S.R. 571 - By Sims: In memory of Loy Gandy of San Angelo.

S.R. 576 - By Ratliff: In memory of civic leader James Lenoy Slider.

CONGRATULATORY RESOLUTIONS

H.C.R. 187 - (Montford): Extending congratulations to the Odessa College Lady Wranglers on winning the National Junior College Athletic Association women's basketball championship.

S.C.R. 106 - By Barrientos: Declaring the week of April 22 through 26, 1991, as "Thank A Parent Week" in recognition of outstanding parents and their vital role in Texas education.

S.C.R. 107 - By Barrientos: Commending Father Charles Banks for his dedication to the spiritual needs of his parishioners.

S.R. 461 - By Truan: Recognizing Dr. Bruce Heekstra of Robstown, who is serving as "Capitol Physician," and his children, Brant and Stephanie, who are serving as Honorary Pages.

S.R. 567 - By Montford: Recognizing Lloyd Thompson of Lubbock for his invaluable services to the Southwestern Public Service Company and to the citizens of his community.

S.R. 568 - By Ellis: Recognizing Jacqueline S. Martin on her recent appointment to the Long-Term Care Coordinating Committee.

S.R. 569 - By Turner: Extending congratulations to the Saint Joseph Hospital and Health Center Auxiliary in Bryan on the occasion of its 25th anniversary.

S.R. 572 - By Henderson: Extending congratulations to Jim Hook of Houston on achieving the rank of Eagle Scout.

S.R. 573 - By Carriker: Recognizing Jennifer Balgley, Charles Blissett, Marianne Brain, Jim Underwood, and Sara Woods for their contributions in the field of health care to rural Texans.

S.R. 574 - By Barrientos: Commending the College of Education of The University of Texas at Austin on the occasion of the celebration of its centennial year.

S.R. 575 - By Ratliff: Extending congratulations to the Longview High School Future Farmers of America Chapter for being chosen as the 1991 Texas Urban Forestry Award winners in the youth category.

S.R. 577 - By Truan: Extending congratulations to Mr. and Mrs. Eli Guerra, Sr., for being chosen the PADRES Family of the Year for 1991.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 10:12 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 22, 1991)

S.C.R. 39
S.C.R. 62
S.C.R. 95
S.C.R. 96
S.C.R. 97
S.C.R. 101
S.B. 247
S.B. 275
S.B. 529
S.B. 653
S.B. 1117

FIFTIETH DAY

(Tuesday, April 23, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley,